In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 17246 of 2006

Date of Decision: 2.11.2006

Chand Kishore

…Petitioner

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. I.D. Singla, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The prayer made by the petitioner in the instant petition is for issuance of direction to the respondents to provide promotional avenue as one of the mode of recruitment for filling up the post of Assistant Director (IT Education). It has further been prayed that contrary provisions made by the respondents in letter dated 21.1.2006 (P-1) creating the post of Assistant Director (IT Education) be quashed. The principal ground taken is that respondent No. 4 Shri Parveen Sangwan is the only candidate who had applied in response to the requisition circulated amongst various Departments/Boards/ Corporations of the State and the qualifications are tailor made to suit

the aforementioned respondent. It is not disputed that the applications were earlier requisitioned by sending a requisition to various departments and respondent No. 4 has applied earlier as well. However, on account of some fault having been found in the circulation, a fresh circulation was ordered to be made in order to find out more applicants. Eventually, respondent No. 4 has been selected and appointed on the post in accordance with qualifications prescribed vide letter dated 24.1.2006 (P-1). The petitioner is not eligible as he lacks the qualification of MCA from a recognised university (preferably with distinction) with minimum one year of post qualification experience as Computer Programmer in the Government Department or Boards/Corporations of the State not below the pay scale of Rs. 6500-200-10500. The petitioner is having qualification of M.Sc. (Computer) and claims that the post of Assistant Director could only be filled up by promotion and the mode of recruitment by circulating the post amongst other departments is not warranted.

Having heard learned counsel, we are of the considered view that in their efforts to modernize the department by introducing computerisation and e-governance, the respondents had re-designated one post of Assistant Director as Assistant Director (IT Education) and have prescribed qualification of MCA from a recognised university with one year minimum experience after acquiring qualification. The post could be filled up by circulation from the Government departments or Boards or Corporations of the State. The

petitioner could not be considered as he lacks the qualification of MCA.

We do not find any legal infirmity in the appointment of respondent No. 4, especially when the petitioner does not possess the qualification of MCA. There is no merit in the instant petition.

Dismissed.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)

November 2, 2006
JUDGE

Pkapoor